

BILL ANALYSIS

C.S.H.B. 820
By: Grusendorf
Pensions & Investments
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law regarding state judicial retirement allows for three different ways to retire. Plan I (10 years of service) and Plan II (12 years of service) both require that you attain the age of 65 in order to qualify for retirement. A third way allows you to retire with 20 years of service regardless of age. However, the difference between qualifications to serve on a district bench and qualifications to serve on an appellate bench work against the appellate court judge in terms of acquiring retirement benefits from the state. In order to serve on the appellate benches in Texas, lawyers must have obtained 10 years of experience as opposed to only 5 years of experience required to serve on district benches. Additionally, most persons who are elected to the appellate bench do so later in their legal careers. Finally, it is possible for some judges to have attained the 20 year requirement to retire under the third option mentioned above at the age of 48 or 49 as opposed to the age of 65 as required by Plan I and Plan II.. Another reason to grant a lower service requirement for appellate judges is that they have a somewhat larger district or even encompass the state, causing more expense and possible inconveniences to those judges.

CSHB 820 allows retirement with the age of at least 55 years of age and at least 20 years of service.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1: Amends Section 839.101, Government Code, by adding the option of 55 years or older for a member who has 20 years of service credited in the retirement system.

SECTION 2: Effective date.

EFFECTIVE DATE

This Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute bill deletes language that stipulated other retirement options for appellate judges such as being at least 57 years old and 18 years of service credit regardless of office status; 57 years old and 16 years of service credit and at least two full terms on the supreme court or the court of criminal appeals and regardless of current office status; and a provision that at least 70 consecutive months during a term of office is considered a full term.